IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 19779 of 2005

Between:

Mohammed Shujaullah Khan, S/o. Mohammed Fiaz Ali Khan
R/io. H.No. 16-2-840/1/B, Ameen Colony, Saidabad, Hyderabad-500 059,

..... PETITIONER

AND

The Regional Passport Officer, Passport Office, Hyderabad,
having Office at Secunderabad,

.....RESPONDENT

THE HONOURABLE SRI JUSTICE K.C.BHANU

W.P.NO. 19779 OF 2005

ORDER:

This writ petition has been filed to issue a writ of Mandamus directing the respondent to correct the petitioner's date of birth in his passport bearing No.M 616450 issued on 27-10-1992 as 12-08-1972 instead of 15-02-1970 in accordance with the school record.

Heard the learned counsel for the petitioner and the learned standing counsel for Central Government appearing for the respondent-Passport Authority.

It is the case of the petitioner that his actual date of birth is 12-08-1972, but in the passport issued to him by the respondent-Passport Authority on 27-10-1992, his date of birth was wrongly mentioned as 15-02-1970. The petitioner submitted an application on 29-08-2005 to the respondent-Passport Authority to alter his date of birth in the Passport. However, the respondent directed the petitioner to bring an order from the Court regarding correction of his date of birth. Aggrieved by the said action of the respondent, this writ petition is filed.

It is required to be noticed that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-04-2001, which are to the following effect:

" (a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth is the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth."

As on today, if any request for correction of date of birth in the passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, the respondent ought to have considered the application of the petitioner for fresh passport in the light of the above instructions in Circular dated 18-04-2001.

Accordingly, the Writ Petition is disposed of with a direction to the respondent to consider the request of the petitioner afresh on the basis of his application dated 29-08-2005 for issuance of fresh passport with correct date of birth and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

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08.09.2005

Stp